IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NO. C-090559 TRIAL NO. 09TRD-22646A
Plaintiff-Appellee,	:	*JUDGMENT ENTRY.*
vs.	:	
JENNIFER MEEK,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.[1]

Defendant-appellant, Jennifer Meek, appeals a conviction for leaving the scene of an accident under R.C. 4549.02. We find no merit in her single assignment of error, and we affirm her conviction.

The record shows that early in the evening of May 6, 2009, Margaret Goeble was inside her apartment on Delaney Street when she heard a crash outside. She looked out the window and saw a silver car heading south on Delaney Street. She got the car's license-plate number, EGA 3982, when it stopped at the intersection of Delaney Street and Chase Avenue. She also saw her neighbor, Robert Stoess, running after the car. The driver looked back at him, but did not stop the car.

Stoess had just gotten home from work. He was inside his residence changing his clothes when he heard a crash. He ran outside and saw that his car had been damaged. He also saw a silver Volkswagen that had been damaged, and he chased it down the street. He got the car's license-plate number and saw that the driver was a

[1] See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

white female. He could not keep up with the car, so he went home and called the police.

Cincinnati Police Officer Nicolino Stavale investigated the accident. He obtained a description of the driver and the car's license-plate number. Near Stoess's damaged Dodge Charger, he found a bumper that was not part of Stoess's car. He also determined that the license-plate number belonged to a silver Volkswagen Jetta and that the owner lived at an address on Mad Anthony Street.

Officer Stavale drove by the address several times that night looking for the car. Finally, he saw a silver Jetta with damage to its left front corner sitting in front of the address. He knocked on the door of the residence, and a man answered the door. The officer testified that "I asked to speak to Ms. Meek, and he called her and she did finally come downstairs and talked to me." He identified Meek in court as the person to whom he had spoken. The court did not allow him to testify about any of Meek's statements due to a discovery violation by the state. The officer ended his testimony by stating that he had issued a citation to Meek.

In her sole assignment of error, Meek contends that the evidence was insufficient to support her conviction. She argues that the state failed to prove beyond a reasonable doubt that she had been the driver of the car. We find no merit in this argument.

The state must prove beyond a reasonable doubt the identity of the perpetrator of the crime, using either direct or circumstantial evidence.[2] Circumstantial and direct evidence possess the same probative value and are subject

[2] *State v. Cook* (1992), 65 Ohio St.3d 516, 605 N.E.2d 70; *State v. Liggins*, 9th Dist. No. 24220, 2009-Ohio-1764.

to the same standard of proof.[3] Therefore, circumstantial evidence alone can be used to establish any essential element of an offense.[4]

In a prosecution for leaving the scene of an accident, the state must prove the identity of the driver.[5] Though the evidence in this case was circumstantial, it supported the inference that Meek was the driver of the car. The eyewitnesses identified the car as a silver Jetta and the driver as a white female. They provided the license plate number that showed that the owner lived on Mad Anthony Street. Officer Stavale saw the Jetta, which had damage to its front bumper, parked in front of that address. He went to the residence and asked to speak with Meek. After doing so, he issued her a citation.

Our review of the evidence shows that a rational trier of fact, after viewing the evidence in a light most favorable to the prosecution, could have found that the state had proved beyond a reasonable doubt that Meek had been the driver of the car, as well as all the other elements of leaving the scene of an accident under R.C. 4549.02. Therefore the evidence was sufficient to support Meek's conviction.[6]

Meek also contends that her conviction was against the manifest weight of the evidence. After reviewing the record, we cannot say that the trier of fact lost its way and created such a manifest miscarriage of justice that we must reverse Meek's conviction and order a new trial. Therefore, the conviction was not against the

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[3] *State v. Jenks* (1991), 61 Ohio St.3d 259, 574 N.E.2d 492; *Liggins*, supra; *State v. Bradford*, 1st Dist. No. C-040382, 2005-Ohio-2208.
[4] *Liggins*, supra; *State v. Murray*, 7th Dist. No. 07 MA 21, 2008-Ohio-1537; *State v. Garr*, 1st Dist. No. C-060794, 2007-Ohio-3448.
[5] *State v. Huntsman* (Apr. 14, 1997), 7th Dist. No. 95-BA-49.
[6] See *Jenks*, supra; *Willoughby v. Lyons*, 11 Dist. Nos. 2005-L-043 and 2005-L-044, 2006-Ohio-1005.

manifest weight of the evidence.[7] We overrule Meek's assignment of error and affirm the trial court's judgment.

A certified copy of this judgment entry is the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., DINKELACKER and **MALLORY, JJ.**

To the Clerk:

Enter upon the Journal of the Court on April 28, 2010

per order of the Court _____.

Presiding Judge

[7] *State v. Thompkins*, 78 Ohio St.3d 380, 1997-Ohio-52, 678 N.E.2d 541; *State v. Baldwin*, 1st Dist. No. C-081237, 2009-Ohio-5348; *Lyons*, supra.